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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,048

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Rasoul Mirzazadeh Oskouy

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44987

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09/01/2006

HARRITY SNYDER, LLP
11350 Random Hills Road
SUITE 600
FAIRFAX, VA 22030

EXAMINER

HSU, ALPUS

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,048

Applicant(s)

OSKOUY ET AL.

Examiner

Alpus H. Hsu

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2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-49 and 51-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-49, 51-64, 72 is/are allowed.
- 6) ☒ Claim(s) 65-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 65-68 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHIAPPA in view of MORRISSEY (both of records).

Regarding claims 65, 66 and 71, CHIAPPA discloses a method of processing a packet, comprising: receiving portions of a packet in a stream; dividing the received packet into header portion and payload portion and transmitting both to packet processor, and detecting the existence of an error in the header portion; and dropping the packet upon existence of an error in the packet (see col. 3, line 62 to col. 4, line 12, col. 7, line 46 to col. 8, line 24, col. 13, line 55 to col. 14, line 44).

CHIAPPA differs from the claims, it does not disclose the feature of forwarding beginning portion of packets to in-line packet processor without waiting for the entire packet to

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be received, which is well known in the art and commonly used in communications field for instantaneous packet processing.

MORRISSEY et al., for example, from the similar field of endeavor, teaches the instantaneous packet processing by forwarding header portion of packets to in-line packet processor without waiting for the entire packet to be received (col. 5, line 44 to col. 6, line 18, col. 20, lines 41-57, col. 21, line 44 to col. 22, line 34), which can be easily adopted by one of ordinary skill in the art to implement into the method of CHIAPPA to further improve the system reliability and efficiency.

Regarding claims 67 and 68, CHIAPPA disclose that the errors that the first in-line packet processor detects include at least one of unrecognized header format, failure to match a header pattern, incorrect checksum, or incorrect packet length (see col. 10, lines 36-39, col. 13, lines 20-25, col. 13, line 68 to col. 4, line3).

4. Claims 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHIAPPA in view of MORRISSEY, and further in view of SUZUKI (all of records).

Regarding claims 69 and 70, the method provided by CHIAPPA in view of MORRISSEY et al. differs from the claims, it does not disclose includes a first and second header information, where the first header information comprises link layer header information and the second header information comprises network layer header information, which is also well known in the art and commonly used in communications field for providing higher level data link control and error recovery retransmission control on a link-by-link basis throughout the network.

SUZUKI, for example, from the similar field of endeavor, teaches the use of two headers, with a first and second header information, where the first header information comprises link layer header information and the second header information comprises network layer header information (col. 4, lines 56-66 and figure 3), which can be easily adopted by one of ordinary skill in the art into the method in CHIAPPA in view of MORRISSEY et al. to provide higher level data link control and error recovery retransmission control on a link-by-link basis throughout the network to further improve the system reliability and efficiency.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bauman and Perlman et al. are additionally cited to show the common feature of packet forwarding in packet switching system utilizing layer header information similar to the claimed invention.

6. Applicant's arguments filed August 1, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument in the remark that the references fail to show certain features of applicant's invention regarding claims 65-71, it is noted that the features upon which applicant relies (i.e., **an input queue** configured to receive a stream of incoming packets and to output beginning portions of packets as the beginning portions are received without waiting for the respective packets to be received in their entirety; **a first in-line packet processor** for receiving the beginning portions from the first input queue, each beginning portion including first header information, and for detecting the existence of an error in the first header information of each beginning portion; and **a first memory** for storing packets received at the first input

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queue and for which the first in-line packet processor did not detect an error in the corresponding first header information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN-USA OR CANADA) or 571-272-1000.

AHH



Alpus H. Hsu
Primary Examiner
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